

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

[21-cv-03496-AMO](#) Surgical Instrument Service Company, Inc. v. Intuitive Surgical, Inc.

**TRIAL SHEET, EXHIBIT and WITNESS LIST**

| <b>JUDGE:</b>           | <b>PLAINTIFF ATTORNEY:</b>                              | <b>DEFENSE ATTORNEY:</b>                          |
|-------------------------|---|---|
| Araceli Martínez-Olguín | Richard McCaulley, Joshua Van Hoven, and Anthony Dowell | Kenneth Gallo, William Michael, and Paul Brachman |
| <b>TRIAL DATE:</b>      | <b>REPORTERS:</b>                                       | <b>CLERK:</b>                                     |
| January 28, 2025        | Ruth Levine Ekhaus                                      | Alexis Solorzano Rodriguez                        |

| <b>EXHIBIT NO.</b> | <b>TIME OFFERED</b> | <b>ID</b> | <b>DESCRIPTION</b>   |
|--------------------|---------------------|-----------|--|
|                    | 8:00 AM             |           | Court called into session. Counsel presented further argument regarding jury instructions. The Court issued final decision regarding jury instructions. Plaintiff raised motion for interlocutory appeal or motion for judgment as a matter of law pursuant to Rule 54(b). Counsel conferred regarding next steps in the case.   |
|                    | 8:31 AM             |           | Court in recess.   |
|                    | 9:01 AM             |           | Court back in session.   |
|                    | 9:25 AM             |           | Court in recess.   |
|                    | 9:44 AM             |           | Court back in session.   |
|                    | 9:47 AM             |           | Court in recess.   |
|                    | 10:09 AM            |           | Court back in session.   |
|                    | 10:15 AM            |           | Court in recess.   |
|                    | 10:23 AM            |           | Court back in session.   |
|                    | 10:29 AM            |           | Court in recess.   |
|                    | 11:04 AM            |           | Court back in session. Defendant raised motion under Rule 50 for judgment as a matter of law including on the grounds of relevant aftermarket Epic criteria based on the representation from Plaintiff's counsel that there is not evidence in the record which a jury could reasonably conclude in favor of the Plaintiff. The Court GRANTED Defendant's oral motion, with a written order to follow. |
|                    | 11:12 AM            |           | Jury brought into the courtroom.   |
|                    | 11:15 AM            |           | Jury discharged.   |

|  |          |  |                  |
|--|----------|--|------------------|
|  | 11:16 AM |  | Court adjourned. |
|--|----------|--|------------------|